IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 12212 of 2007(D)

PETITIONER:

PREMAN, AGED 49, S/O.ITTERI,
KANNAMPARAMBIL, PULLIPARAMBIL P.O.,
CHELAMBRA AMSOM, PULLIPARAMBIL DESOM,
THIRURANGADI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY
SMT.THANKOM.G
SRI.E.M.MURUGAN

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS, SECRETARIAT, TRIVANDRUM.**

2. **THE SUPERINTENDENT OF POLICE, MALAPPURAM DISTRICT, MALAPPURAM.**

3. **THE DEPUTY SUPERINTENDENT OF POLICE, OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE, MALAPPURAM.**

4. **THE CIRCLE INSPECTOR OF POLICE, THIRURANGADI.**

5. **THE SUB INSPECTOR OF POLICE, THENJIPPALAM.**

6. **SHABEER ALI, AGED ABOUT 35 YEARS, (PANCHAYATH PRESIDENT), CHELAMBRA GRAMA PANCHAYATH), POONATTIL HOUSE, PULLIPARAMBU P.O., CHELAMBRA, MALAPPURAM DISTRICT.**

7. DILEEP KUMAR, AGED 32 YEARS,
S/O.JANARDANAN NAIR, KUZHAPPATHADI HOUSE,
(MEMBER WARD NO.16, CHELAMBRA GRAMA PANCHAYAT).

8. MOHAMMED HAJI, AGED ABOUT 55 YEARS,
(MEMBER CHELAMBRA GRAMA PANCHAYATH),
KAKKATTU HOUSE, PULLIPARAMBU P.O., CHELAMBRA,
MALAPPURAM DISTRICT.

9. FASARULLA, AGED ABOUT 40 YEARS,
(MEMBER WARD NO.15, CHELAMBRA GRAMA PANCHAYATH)
PULLIPARAMBU P.O., MALAPPURAM DISTRICT.

R6 – R9 BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH
GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 12212/2007 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE DOCUMENT NO. 2340/78 OF SRO, THIRURANGADI.

EXT.P2. COPY OF THE DOCUMENT NO. 2341/1078 OF SRO, THIRURANGADI.

EXT.P3. COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER TO R2.

EXT.P4. COPY OF THE RECEIPT ISSUED ON 4/4/07.

EXT.P5. COPY OF THE NOTICE DT. 6/4/07.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K. BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

W.P.(C) No. 12212 of 2007

Dated, this the 16th day of August, 2007

JUDGMENT

Balakrishnan Nair, J.

Government Pleader appeared for respondents 1 to 5. Service complete.

2. The petitioner has approached this court apprehending that a building constructed by him in which he runs a tea shop will be demolished by the Chelambra Grama Panchayat. So this writ petition is filed seeking police protection for his building.

3. The learned Government Pleader, upon instructions, submitted that the petitioner was granted permit to construct only one room, but, instead, he constructed three rooms. It is also submitted that the Panchayat has undertaken that it will take action against the building only in accordance with law following the relevant provisions in the Panchayat Raj Act. This court has issued an interim order on 10.4.2007 granting interim relief subject to the right of the Panchayat to acquire the land. The Panchayat will be free to acquire the land for widening the road. It can also demolish the portion of the building which is constructed in violation of the permit granted by it, after following due procedure.

The writ petition is disposed of as above.

K. BALAKRISHNAN NAIR, JUDGE

HARUN-UL-RASHID, JUDGE.

mt/

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